ANNUAL REPORT

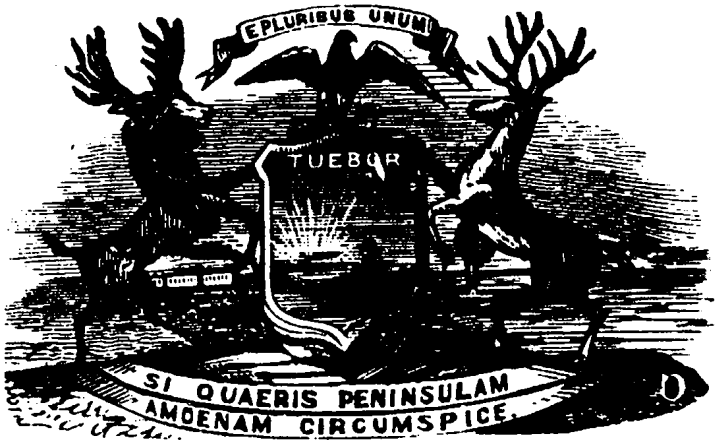
OF THE

ATTORNEY GENERAL

OF THE

STATE OF MICHIGAN,

FOR THE YEAR 1847.



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1847.

REPORT.

To the Legislature of the State of Michigan:

In obedience to the requirement of the law, the undersigned respectfully submits the following report:

In consequence of the many alterations in the statute law by the late revision, a very large amount of business in the examination of questions submitted to me, not only by the respective State officers and Prosecuting Attorneys, but by the county officers of almost every county in the State, has been done at this office.

All questions submitted, whether coming from State or county officers, or even from individuals, have been carefully examined, and written opinions in almost all cases made up and given.

Although not required by law to answer many of these inquiries, I have deemed it but due to the station I occupy, to pay to the communications of all county officers a strict attention.

There have been during the past year but two suits commenced by me in my official capacity:—one of these was an information in the nature of a *quo warranto* against Alvin D. Shaw for usurpation of the office of clerk of the county of Eaton. This suit was submitted upon a case made to the Supreme Court at their last October term held at Pontiac, and a judgment of ouster rendered therein against the defendant. The other case is also an information in nature of a *quo warranto* filed by the Attorney General at the relation of Edward Bissel against George Crane, Alfred W. Budlong, Langford G. Berry, Addison J. Comstock, and Harvey Todd for usurpation

of the office of directors of the Erie & Kalamazoo Railroad,—and is still pending.

A suit has been commenced in the Circuit Court for the county of Oakland in chancery against George B. Cooper, State Treasurer, Gideon O. Whittemore, Secretary of State, and Digby V. Bell, Auditor General, constituting the Board of Internal Improvement, and C. Chapel and D. M. Price. The object of this suit is to obtain a perpetual injunction against the diversion of the water of Paint Creek, a tributary of Clinton River, for the purpose of a feeder to the Clinton & Kalamazoo Canal. The bill sets forth among other things, that the complainant owns and is in possession of a saw-mill on Clinton River, below the mouth of Paint Creek, and which is in part supplied with water from said creek—that the water of Paint Creek has been, unlawfully and to the great prejudice of the complainant, diverted from its channel by its introduction into the canal; that no compensation has been made or offered to him for his damages thus occasioned; and he denies the right of the State to divert and use this water for any other than the legitimate purpose of the canal. Chapel and Price are made defendants because of their interest in the use of this water for milling purposes under a lease from the State. This suit now stands upon bill and demurrer.

At the request of the Governor, I attended the late November term of the Circuit Court for the county of Kent, to assist the Prosecuting Attorney of that county in the trial of several indictments pending in that court. But one of them, an indictment against George M. Mills, for solicitation of another to commit forgery, was tried; the defendant was acquitted.

The other cases were disposed of for the term, some of them by quashing the indictments, the others by continuance.

The case of Henry N. Walker, Attorney General, against Benjamin B. Morris and others, for usurpation of the franchises of a turnpike company was prepared for argument at the late term of the Supreme Court, at Pontiac, upon a case

made, but was not heard by the court from the pressure of other business.

In like manner the cases of George Redfield against Augustus S. Porter and Digby V. Bell and the State, against the Detroit & Pontiac Railroad Company, both of which are pending in chancery, in the first circuit, upon demurrer, have been prepared and noticed for hearing at the two last terms of that court; but for the want of time growing out of the accumulated business before the judge of that circuit, it has been utterly impossible as yet to get these cases to a hearing. The suit in chancery, also in the first circuit against the Macomb County Bank for the purpose of obtaining a decree of forfeiture of its charter is still pending—a full answer in this case has very recently been put in.

The schedule marked A, hereto annexed, contains the reports of the Prosecuting Attorneys of the several counties, so far as the same have been received at this office.

E. MUNDY,
Attorney General.

ATTORNEY GENERAL'S OFFICE,
Ann Arbor, Dec. 29, 1847.

How disposed of:

Tried and convicted, 2
Acquitted, 1
Nul. pros., 1
Pending, 6

Clinton County—LEVI TOWNSON ESQ. *Prosecuting Attorney.*

Indictments found during the year, 1

How disposed of:

Continued, 1
Prosecutions before Justices of the Peace, 2

How disposed of:

Tried and convicted, 1
Acquitted, 1

Eaton County—D. A. WINSLOW ESQ. *Prosecuting Attorney.*

Indictments found during the year, 2

Crimes.

For assault and battery 1
Obtaining goods under false pretences, 1
Still pending, 2

Genessee County—J. K. RUGGS ESQ. *Prosecuting Attorney.*

Indictments found during the year, 6

Crimes.

For conspiracy to defraud, 1
Assault and battery with intent to kill, 1
Violation of sepulture, 1
Assault and battery, 1
Perjury, 1
Wilful trespass on school house, 1
All still pending.
Prosecutions before Justices of the Peace, 11

Crimes.

For assault and battery, 5
Larceny, 5
Maliciously killing sheep, 1

How disposed of:

Tried and convicted, 6
Acquitted. 5

Ionia County—ALBERT WILLIAMS ESQ. *Prosecuting Attorney.*

Indictments found during the year,	2	
Crimes.		
For larceny,		1
Arson,		1
Still pending,		

Jackson County—F. LIVERMORE ESQ. *Prosecuting Attorney.*

Indictments found during the year,	13	
Crimes.		
For assault and battery,		4
Obtaining money under false pretences,		1
Forcible entry and detainer,		1
Trespass on school lands,		1
Murder,		1
Assault with intent to kill,		1
Perjury,		2
Wilful injury to dwelling house,		1
How disposed of:		
Tried and convicted,	3	
Pending,	7	
Nol. Pros.,	3	
Prosecutions before Justices of the Peace,	12	
Crimes.		
For assault and battery,		10
Assault,		1
Larceny,		1
How disposed of:		
Tried and convicted,	12	
Appealed of assault and battery,	2	

Kalamazoo County—J. MILLER ESQ. *Prosecuting Attorney.*

Indictments found during the year,	7	
Crimes.		
For perjury,		1
Passing counterfeit coin,		1
Assault and battery with intent to disfigure,		1
Keeping disorderly house,		1
Horse stealing,		1
Larceny,		1

Attempt at arson,		1
How disposed of:		
Tried and convicted,	3	
Acquitted	1	
Pending,	2	
Judgment against bail,	1	
Prosecutions before Justices of the Peace,		1
For larceny tried and convicted.		

Kent County—A. D. RATHBONE Esq. *Prosecuting Attorney.*

Indictments found during the year.

Crimes.

For arson,	1
Perjery,	2
Soliciting to commit forgery,	1
Malfeasence in office,	1
Conspiracy,	2
Forgery,	1
Attempt to administer poison,	1
Keeping baudy house,	2
Rape.	1
Trespass on state lands,	2
Larceny,	2
Riot, assault and battery,	5

How disposed of:	
Tried and convicted,	1
Acquitted,	3
Quashed,	2
Nol. Pros.,	2
Pending,	14

Prosecutions before Justices of the Peace,

For assault and battery, tried and convicted, 2

Livingston County—L. H. HEWETT, Esq, *Prosecuting Attorney.*

Indictments found during the year, 2

Crimes.

For Assault and Battery with intent to kill,	1
Assault and battery,	1
Both pending.	

Macomb County—A. ROBERTSON Esq., *Prosecuting Attorney.*

Indictments found during the year,		10
	Crimes.	
For breaking jail,		1
Burglary and larceny,		2
Larceny,		3
Rape,		1
Malicious destruction of property,		1
Obtaining goods under false pretences,		1
Perjury,		1
How disposed of:		
Tried and convicted,	4	
Pending,	6	
Prosecutions before justices of the peace,	15	
	Crimes.	
For assault and battery,		7
Malicious injury to animal,		1
Disturbance of religious worship,		6
Larceny,		1
How disposed of:		
Tried and convicted,	7	
Acquitted,	5	
Dismissed,	3	

Monroe County—HIRAM STONE, Esq., *Prosecuting Attorney.*

Indictments found during the year,		5
	Crimes.	
For breaking and escaping from jail,		2
Larceney,		1
Perjury,		1
Burning a barn,		1
How disposed of:		
Tried and convicted,	4	
Nol pros,	1	
Prosecutions before justices of the peace	25	
	Crimes.	
For assault and battery,		19
Malicious injury to animals,		2

Larceny,		3
Obtaining goods under false pretences,		1
How disposed of;		
Tried and convicted,	18	
Acquitted,	3	
Escaped,	1	
Settled by parties,	3	

Ottawa County—G. Reed, Esq., *Prosecuting Attorney.*

Indictments found during the year,	2	
Crimes.		
For perjury,		1
Obtaining goods under false pretences,		1
Both pending,		
Prosecutions before justices of the peace,		
For larceny—tried and codvicted,		1

Shiawassee County—Wm. F. Mosely, Esq., *Pros. Att'y.*

Indictments found during the year,		
For arson—pending,		1
Prosecuted before justices of the peace,		2
How disposed of,		
Tried and convicted,		1
Acquitted,		1

St. Joseph county—H. H. Riley, Esq., *Pros. Att'y.*

Indictments found during the yeat,	6	
Crimes.		
For obtaining goods under false pretences,		2
Disturbing religious worship,		1
Compounding felony,		1
Assault and battery,		1
Perjury,		1
How disposed of,		
Tried and convicted,	2	
Acquitted	2	
Nol pros,	2	
Prosecutions before justices of the peace,		
For larceny—tried and committed,		1

Van Buren county—J. R BAKER, Esq., *Pros. Att'y.*

Indictments found during the year,	1
Crime—Seduction. Pending,	
Prosecutions before justices of the peace,	4
Crimes.	
For larceny,	2
Assault and battery,	2

Washtenaw county—W. A. BUGBY, Esq., *Pros. Att'y.*

Indictments found during the year,	4
Crimes.	
For arson, (tried and convicted, 3—acquitted 1.)	1
Horse stealing,	1
Assault and battery with intent to kill,	2
Bastards. Defendant recognized.	
Prosecutions before justices of the peace,	10
Crimes.	
For larceny,	6
Assault and battery,	4
How disposed of:	
Tried and convicted,	5
Acquitted,	5
Debt for violation of license law—tried, convicted, and appealed,	1
Debt for keeping inn without license—pending,	1

Wayne county—WM. HALE, Esq., *Pros. Att'y.*

Indictments found during the year,	146
Crimes.	
For assault and battery,	72
Larceny,	32
Burglary,	1
Burglary and larceny,	5
Having counterfeit bills in possession with intent to pass,	1
Obtaining goods under false pretences,	2
Seduction,	2
Libel,	2
Refusing to pay over monies,	2
Highway robbery,	2

Receiving stolen goods,	2
Malicious mischief,	4
Keeping house of ill-fame,	6
Leasing house for purposes of prostitution,	1
False imprisonment,	1
Assaulting peace officer in discharge of duty.	1
Forcible entry,	1
Adultery,	1
Forgery,	1
Assault with intent to murder,	1
Lewd and lascivious cohabitation,	3
Having counterfeit tools in possession,	1
How disposed of:	
Tried, convicted, and sentenced to state prison,	13
To county jail,	89

Lenawee county—H. C. BEAMAN, Esq., *Pros. Att'y.*

Indictments found during the year,	14
Crimes.	
For larceny,	4
Perjury,	1
Seduction,	2
Assault and battery,	5
Keeping nine pin alley,	1
Attempt to produce abortion,	1
How disposed of:	
Tried and convicted,	2
Pending,	6
Not arrested,	6

Oakland county—H. L. STEVENS, Esq., *Pros. Att'y.*

Indictments found during the year,	40
Crimes.	
For perjury,	5
Assault and battery,	5
Rape,	3
False pretences,	3
Riot,	2
Lascivious conduct,	2

Assault with intent to commit rape,		2
Seduction,		1
Indecent exposure of person,		1
Larceny,		2
Malicious destruction of house,		1
Severing produce from freehold,		1
Procuring felony to be committed,		1
Arson,		3
Aiding to escape from prison,		1
Trespass on public lands,		1
Forgery,		1
Assault with intent to murder,		2
Forgery,		1
Keeping disorderly house,		1
Selling liquor without license,		1
How disposed of:		
Tried and convicted,	1	
Acquitted,	1	
Pending,	38	

RECAPITULATION.

Indictments found during the year,	309	
Crimes.		
For murder,		1
Assault with intent to murder,		10
Rape,		6
Assault with intent to commit rape,		4
Perjury,		21
Riotous assault,		6
Assault and battery,		87
Larceny,		44
Obtaining goods under false pretences,		14
Violation of sepulture,		1
Lewd and lascivious cohabitation,		5
Subornation of perjury,		1
Having tools for counterfeiting in possession,		1
Seduction,		5
Indecent exposure of person,		1

Crime against nature, with a beast,		1
Selling liquor to an Indian,		1
Leasing house for purposes of prostitution,		1
Forgery,		6
False imprisonment,		1
Receiving stolen goods,		2
Conspiracy,		3
Highway robbery,		2
Violation of election laws,		2
Refusing to pay over money,		2
Wilful injury to property,		9
Arson,		8
Assaulting peace officer,		1
Forcible entry and detainer,		2
Libel,		2
Trespass on public lands,		4
Adultery,		1
Passing counterfeit money,		1
Aiding to escape from prison,		1
Assault with intent to disfigure,		1
Selling liquor without license,		1
Keeping disorderly house,		10
Attempt to commit arson,		
Burglary,		1
Solicitation to commit forgery,		1
Malfeasance in office,		1
Breaking jail,		3
Burglary and larceny,		7
Disturbing religious worship,		1
How disposed of;		
Tried and convicted,	133	
Acquitted,	9	
Pending,	155	
Nol, Pros.	9	
Quashed	2	
Judgment against bail,	1	
	309	

Prosecutions before justices of the peace,		100
How disposed of:		
Tried and convicted,	66	
Acquitted,	23	
Dismissed,	3	
Settled,	3	
Escaped,	1	
Reports do not state how,	4	
	100	

The following counties have failed to make the reports, to wit: Berrien, Calhoun, Chippewa, Hillsdale, Ingham, Lapeer, Michilimacinac, Saginaw and St. Clair.